## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE

STATE OF TENNESSEE,	)
Plaintiff,	) )
v.	) Civil Action No. 3:23-cv-384 ) Judge Travis R. McDonough
ROBERT F. KENNEDY, JR., in his official capacity as Secretary of Health and Human	) Magistrate Judge Jill E. McCook )
Services, et al.	)
Defendants.	)

## FIFTH JOINT STATUS REPORT

On May 13, 2025, the parties filed a fourth joint status report. ECF No. 49. The parties advised the Court that the Sixth Circuit had denied Tennessee's petition for en banc rehearing of its appeal from the denial of the State's motion for preliminary relief. But because Tennessee is considering further appellate review, "[b]oth sides agree[d] that it would be appropriate to maintain this case in abeyance pending Tennessee's decision to seek review." *Id.* at 1-2. The parties also "agree[d] to submit a joint status report within seven days of Tennessee's further appeal or by June 27, 2025, whichever is earlier." *Id.* at 2. The parties now offer this fifth joint status report:

Tennessee is still considering potential further appellate review. *See* S. Ct. R. 13 (allowing 90 days to seek certiorari). Both sides agree that it would be appropriate to maintain this case in abeyance pending Tennessee's decision to seek review. The parties agree to submit a joint status report within seven days of Tennessee's further appeal or by August 14, 2025, whichever is earlier.

## Respectfully submitted,

/s/ Harrison Gray Kilgore

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via the Court's electronic filing system on this 27th day of June, 2025 on all counsel of record.

/s/ Harrison Gray Kilgore HARRISON GRAY KILGORE